REMARKS

Claims 1-75 are pending in this Application. The Office Action dated November 5, 2003 and subsequent Advisory Action date February 4, 2004 have rejected Claims 1-45. Claims 46-53 were withdrawn. In response, Applicant has amended Claims 1, 10, 26 and 34, and cancelled Claims 17, 23, 24, 41, 43, and 44 to further clarify the patentable subject matter of the claimed invention. Claims 54-75 have been added. No new matter has been added by any of these amendments. For the reasons discussed in detail below, Applicant submits that the pending claims are patentable over the art of record.

Rejection under 35 U.S.C. 103(a):

The Office Action has rejected Claims 1-7, 9-11, 13, 14, 17-22, 26-31, 33-35, 37, 38, 41, and 42 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,051, Sammon, et al. ("Sammon") in view of U.S. Patent No. 5,78,142, Jacobs ("Jacobs"). Applicant respectfully traverses this rejection.

The Applicant respectfully submits that the prior art references, even if they could be properly combined, do not disclose or suggest all of the claim limitations. Amended Claim 1 recites a method for assisting a customer in choosing a combination of commodity options, wherein the combination has at least two commodity categories, and each commodity category has at least two options. In particular, amended Claim 1 recites ranking the options within each commodity category based, in part, on at least one optimization parameter. The optimization parameter is further defined to include a utility function in Claim 68, a constant in Claim 69, a supporting statistic in Claim 70, and a cost of the option in Claim 71. The amended claim is supported by the Specification. See Fig. 3 and 7, and Page 13, lines 10-22.

Unlike the claimed invention, however, Sammon in view of Jacobs neither discloses nor suggests ranking the options within each commodity category based, in part, on at least one optimization parameter, wherein the optimization parameter may include a utility function, a

constant, a supporting statistic, or a cost of the option. Sammon teaches processing information to identify product choices within a product domain for a user, based, in part, on gathered user preferences; and the decision engine disclosed by Sammon generates a list of one or more products, ranked according to user preferences. See Sammon, Abstract, Col. 2, lines 7-11. Sammon further discloses presenting the user with a sequence of prompts to provide preferences and requirements. See Sammon, Col. 3, lines 43-46. Thus, by focusing on user provided preferences, Sammon fails to disclose or suggest ranking the options within each commodity category based, in part, on at least one optimization parameter, wherein the optimization parameter may include a utility function, a constant, a supporting statistic, or a cost of the option.

Jacobs describes storing, selectively retrieving, and providing product images, video data, and audio recordings based on customer entered criteria. See Jacobs, Abstract, Col. 1, lines 7-11. Jacobs further discloses selectively retrieving product data that can use a relatively small database of product designs, and allowing the customer to combine various components of product components of his choice and replace parts of the design with parts that better suit his needs. See Jacobs, Col 2, lines 43-45 and 50-55. Jacobs also fails to disclose or suggest ranking the options within each commodity category based, in part, on at least one optimization parameter, wherein the optimization parameter may include a utility function, a constant, a supporting statistic, or a cost of the option. Therefore, Applicant submits that the suggested combination of the cited art does not render the claimed invention obvious.

Applicant further submits that it would not have been obvious to one of ordinary skill in the art to modify Sammon to achieve the claimed invention. The law is clear that a proposed modification cannot change the principle of operation of the cited reference. Both Sammon and Jacobs focus on user provided preference criteria, and fail to explicitly describe ranking the options within each commodity category based, in part, on at least one optimization parameter, wherein the optimization parameter may include a utility function, a constant, a supporting statistic, or a cost of the option. Thus, interpreting any of the cited references as disclosing such ranking within each commodity category based on at least one optimization parameter would be changing the principle

of operation of each of the references, or combination thereof. Again, Applicant respectfully submits that the suggested combination of the cited art does not render the claimed invention obvious. Therefore, amended Claim 1 is in condition for allowance.

Amended Claim 26 recites a system for assisting a customer in choosing a combination of commodity options, wherein the combination has at least two commodity categories, and each commodity category has at least two options. Similar to amended Claim 1, amended Claim 26 recites, in particular, <u>ranking the options within each commodity category based, in part, on at least one optimization parameter.</u> The optimization parameter is further defined <u>to include a utility function</u> in Claim 72, <u>a constant</u> in Claim 73, <u>a supporting statistic</u> in Claim 74, and <u>a cost of the option</u> in Claim 75. For at least the reasons discussed above, amended Claim 26 is also not rendered obvious by Sammon in view of Jacobs, and is in condition for allowance.

Therefore, for at least the reasons cited above, Claims 2-7, 9, 10, 11, 13, 14, 18-22, and 27-31, 33-35, 37, 38, 42, which are dependent from amended Claims 1 and 26, respectively, are non-obvious and allowable over the cited references.

The Office Action has rejected Claims 8 and 32 under 35 U.S.C. 103(a) as being unpatentable over Sammon in view of Jacobs and further in view of U.S. Patent No. 5,521,364, Kimura et al. ("Kimura"). Also, the Office Action has rejected Claims 12, 15, 16, 36, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Sammon in view of Jacobs and further in view of U.S. Patent No. 6,085,165, Ulwick ("Ulwick"). Additionally, the Office Action has rejected Claims 23-25 and 43-45 under 35 U.S.C. 103(a) as being unpatentable over Sammon in view of Jacobs and further in view of U.S. Patent No. 6,292,787, Scott et al. ("Scott"). However, for at least the same reasons as discussed above, none of the suggested combinations of references make the claimed invention as recited in the dependent claims obvious and all of the pending claims are allowable.
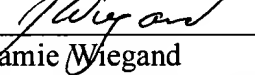
Independent new Claims 54 and 60 have been added along with their dependent claims. The new independent claims are not obvious in view of any of the cited references, and are, therefore, allowable for at least the same reasons as discussed above for amended Claims 1 and 26.

CONCLUSION

By the foregoing explanations, Applicant believes that this response has addressed fully all of the concerns expressed in the Final Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Entry of the amendments and early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicant's attorney at the number listed below.

Dated: _____March 5, 2004_____   Respectfully submitted,

By _____

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